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8 IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
9

10 UNITED STATES OF AMERICA,

1:21-CR-02053-SAB

11 Plaintiff,

UNITED STATES' PROPOSED
ADDITIONAL FINAL JURY
INSTRUCTION

12 vs.
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14 DAVID ELMO CURRY,

15
16 Defendant.
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19 Plaintiff, United States of America, by and through Vanessa R. Waldref, United
20 States Attorney for the Eastern District of Washington, and Michael D. Murphy,
21 Assistant United States Attorney for said district, and hereby submits the following
22 Proposed Additional Final Jury, with and without citations.
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Proposed Additional Instruction No. 1

Government's Use of Undercover Agents

You have heard testimony from an undercover agent who was involved in the government's investigation in this case. Law enforcement officials may engage in stealth and deception, such as the use of informants and undercover agents, to investigate criminal activities. Undercover agents may use false names and appearances and assume the roles of members in criminal organizations.

Ninth Circuit Model Jury Instruction – 3.10 (2023) (modified); *United States v. Winslow*, 962 F.2d 845, 848 (9th Cir. 1992), as amended (May 14, 1992) (“In light of the appellants' insinuations that the government and Valentino acted improperly, the district court did not abuse its discretion by giving the undercover agent instruction to help the jury understand the nature of undercover police work.”).

Instruction No. ____

You have heard testimony from an undercover agent who was involved in the government's investigation in this case. Law enforcement officials may engage in stealth and deception, such as the use of informants and undercover agents, to investigate criminal activities. Undercover agents may use false names and appearances and assume the roles of members in criminal organizations.

1 DATED this 5th day of December, 2023.

2 VANESSA R. WALDREF
3 United States Attorney

4 s/Michael D. Murphy
5 MICHAEL D. MURPHY
6 Assistant United States Attorney
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1 I hereby certify that on December 5, 2023, I electronically filed the foregoing
2 with the Clerk of the Court using the CM/ECF System which will send notification of
3 such filing to the counsel of record in this case.
4

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